

Application Serial No. 10/629,208
Office Action Dated February 10, 2006
Examiner: K.E. Campbell
Art Unit: 3618

REMARKS

Minor corrections to the specification have been made in grammar and syntax.
Claims 1, 17 and 21- 24 have been amended. Claims 1-24 remain pending.
Reconsideration and reexamination of the application are requested.

The Examiner rejected claims 1-2, 5-7, 10, 12-13, 18-21 and 24 under 35 USC 103(a) as being obvious on consideration of Gagnon et al. (US 6,732,830) in view of Inagaki et al. (US 6,712,172) and Ito (US 4,721,178).

Claims 1, 21 and 24 require a rear passenger seat disposed behind said driver's seat "with a backrest for the driver therebetween". The claims also require the driver's seat to be disposed at substantially the same level as the straight line extending in a longitudinal direction through the uppermost points of the front and rear wheels. The driver's seat is "such that in side view more of the driver's seat is located below the straight line than above it". Then, although the rear passenger seat is disposed at a higher level than the driver's seat, the vehicle with the driver and the passenger maintains a low center of gravity.

Gagnon discloses a vehicle having structure different from that required by claims 1, 21 and 24. For example, Figs. 3, 7 and 16 show a driver's seat completely above the straight line extending in a longitudinal direction through the uppermost points of the front and rear wheels.

Likewise, Inagaki in Fig. 2 discloses a vehicle having structure such that the driver's seat is completely above the straight line extending in a longitudinal direction through the uppermost points of the front and rear wheels.

Further Ito also shows in Figs. 1 and 2 a vehicle having structure such that the driver's seat is completely above a straight line extending in a longitudinal direction through the uppermost points of the front and rear wheels.

Consequently, there is no disclosure in any of these references showing the structure required by claims 1, 21 and 24. Claims 1, 21 and 24 are non-obvious in view

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of any combination of references. Furthermore, the claims dependent on claims 1, 21 and 24 are also non-obvious and patentable.

The Examiner rejected claims 3-4 under 35 USC 103(a) as being obvious on consideration of Gagnon et al. (US 6,732,830) in view of Inagaki et al., (US 6,712,172) and Ito (US 4,721,178) as applied to claim 1 above and further in view of Uphaus (US 5,984,356).

Claims 3-4 depend from claim 2 which depends from claim 1. These claims should be patentable. Applicant does not acquiesce in the Examiner's rejection of these claims, but further discussion of them, at this time, is not needed.

The Examiner rejected claim 8 under 35 USC 103(a) as being unpatentable over Gagnon et al. (US 6,732,830) in view of Inagaki et al. (US 6,712,172) and Ito (US 4,721,178) as applied to claim 1 above, and further in view of Winchell et al. (US 4,437,535).

Claim 8 depends from claim 1 and should be patentable. Applicant does not acquiesce in the independent rejection of claim 8, but further distinction of it, at this time is not needed.

Claim 9 is rejected under 35 USC 103(a) as being obvious on consideration of Gagnon et al. (US 6,732,830) in view of Inagaki et al. (US 6,712,172) and Ito (US 4,721,178) as applied to claims 1 above, and further in view of Rioux et al. (US 6,296,073).

Claim 9 depends from claim 1. It is not necessary to further distinguish claim 1 from the references at this time. Applicant does not acquiesce in the independent rejection of claim 9 and rather submits that claim 9 is patentable.

The Examiner rejected claims 14-15 and 17 are rejected under 35 USC 103(a) as being obvious on consideration of Gagnon et al. (US 6,732,830) in view of Inagaki et al

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(US 6,712,172) and of Ito (US 4,721,178) as applied to claim 1 above, and further in view of Mabie (US 4,466,660).

Claim 14 requires first side support members disposed at opposite sides of the driver's seat. Such side support members are shown in Fig. 5 as item 418, see also page 21, lines 7-11. Claim 15 requires second side support members disposed at opposite sides of the rear passenger seat. Such second side support members are shown as item 415 in Fig. 5 and are discussed at page 16, lines 13-14. None of the references, and particularly Mabie, disclose such side support members. Claims 14-15 and 17 are non-obvious and patentable over these references.

The Examiner rejected claims 22-23 under 35 USC 103(a) as being obvious on consideration of Gagnon et al. (US 6,732,830) in view of Inagaki et al. (US 6,712,172), Ito (US 4,721,178) and Mabie (US 4,466,660) as applied above and further in view of Kurata (US 4,606,429).

Claim 22 is non-obvious over these references for the same reason that the other independent claims 1, 21, and 24 are patentable. That is, the references do not disclose a rear passenger seat disposed behind the driver's seat with a backrest for the driver therebetween and further do not disclose that more of the driver's seat is located below the straight line which extends in a longitudinal direction through uppermost points of the front and rear wheels, than above it so long as some of the driver's seat is located above the straight line. Kurata shows a 3-wheeled vehicle with the seats being at a level of the rotational center of the wheels. Taken with the other references, it is not possible to discern the structure of claim 22 and the claims which depend from it, except in hindsight. Thus, these claims are patentable.

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In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.



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CBH/JAL/lad/hjm

Respectfully submitted,

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